

**REMARKS**

Claims 1-4, 6-18, 20-26 and 28-31 are currently pending in the subject application and are presently under consideration. Claims 5, 19 and 27 have been cancelled and claims 1, 6, 7, 13, 20, 23-26, 28 and 31 have been amended as shown on pp. 2-8 of the Reply. Applicant thanks Examiner Yigdall for the courtesies extended to Applicant's Representative Jay Ryan in a telephone interview dated Thursday, February 8, 2007 in which the prior art combinations and possible claim amendments were discussed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1, 8-13, 16, 18, 21, 22, 25 and 26 Under 35 U.S.C. §103(a)**

Claims 1, 8-13, 16, 18, 21, 22, 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis (US 6,442,754) in view of Kawamata *et al.* (US 6,820,259) in view of Noble *et al.* (US 5,845,128). This rejection should be withdrawn for at least the following reasons. Curtis, Kawamata *et al.* and Noble *et al.*, taken alone or in combination, fail to disclose or suggest each and every element as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant's invention as claimed relates to a system and method that facilitates installation and/or removal of components that includes *at least one shared component*.

To that end, claim 1 (and similarly independent claims 13, 25 and 26) recites a **validation engine that provides a valid order, the order referentially consistent relative to each of the components** and an **installer that controls at least one of an install and removal operation of the components based on the valid order** and manipulates at least one property associated with the at least one shared component **to reflect dependency for the at least one shared component relative to one or more other components that depend on the shared component according to the installation or removal thereof** where the at least one property further comprises a **reference count having a value indicative of a number of dependent components associated with the at least one shared component**. The proposed combination does not disclose or suggest the claimed aspects.

Curtis relates to a system for checking dependencies of installed software components during installation and uninstallation. The Office Action concedes that Curtis fails to disclose a validation order that is referentially consistent relative to the components, and proposes a combination with Kawamata *et al.*, citing col. 9, lines 1-16 and col. 14, lines 43-48. However, these passages respectively disclose an installation table for showing an installation order for software and a means for managing the updating a sequence of extracted up-data. Though these passages disclose an installation order, they (and the remainder of the document) fail to disclose or suggest either a **valid order** that is **referentially consistent**, or an **installer** for installing or removing components **based on the valid order**, as presently claimed. The Office Action further concedes that Curtis fails to disclose that the at least one share component subsumes one or more property associated with previously installed shared components, and proposed a further combination with Noble *et al.*, citing col. 6, lines 45-62 and col. 1, lines 48-52 and 58-59. This reference relates to a system for facilitating the installation of a new release of custom software. The cited passages respectively disclose copying files related to a new software release into a new subdirectory and deleting the old files and saving custom settings from the old software installation and applying them to the newly installed software. Noble *et al.* fails to disclose or suggest a plurality of components that include a **shared component** as claimed, let alone one that subsumes properties of previously installed shared components as claimed. Indeed, one skilled in the art would not arrive at the proposed combination unless guided by a hindsight reading of the subject disclosure.

So even if the proposed combination was proper, it would still fail to disclose and suggest every aspect of the claimed invention.

Amended claim 1 and the other independent claims now recite that *the at least one property further comprises a reference count having a value indicative of a number of dependent components associated with the at least one shared component*, which is not disclosed or suggested by the proposed combination. This had been previously recited in claims 5, 19, and 27 (now cancelled) which had been rejected under a further combination with Kruger *et al.* (US 6,367,075). This reference relates to the removal of software updates from a computer system. The cited passage (col. 9, lines 14-21) states that an installer installs or removes fonts by identifying DLL files and signals a DLL installer to increment or decrement a reference count for a DLL files whether fonts are to be added or deleted. However, it is readily apparent that neither the cited passage nor anything else in Kruger *et al.* discloses or suggests *dependent components associated with a shared component* as claimed, so Kruger *et al.* fails to cure the deficiencies of the base combination.

In view of the foregoing, it is readily apparent that the combination Curtis, Kawamata *et al.* and Noble *et al.* (with or without Kruger *et al.*) fails to disclose or suggest the invention as recited in independent claims 1, 13, 25 and 26 (and claims which respectfully depend therefrom). Accordingly, this rejection should be withdrawn.

## **II. Rejection of Claims 2-4, 14, 15, 17, 29 and 30 Under 35 U.S.C. §103(a)**

Claims 2-4, 14, 15, 17, 29 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis in view of Kawamata *et al.* in view of Noble *et al.*, as applied to claims 1, 13, and 26 above, respectively, and further in view of Taylor (US 5,721,824). Withdrawal of this rejection is requested for at least the following reasons. Claims 2-4 depend from independent claim 1, claims 14, 15, and 17 depend from independent claim 13, and claims 29 and 30 depend from independent claim 26. As stated *supra*, the combination of Curtis, Kawamata *et al.* and Noble *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Taylor does not cure the aforementioned deficiencies of the base combination. Withdrawal of this rejection is therefore respectfully requested.

### **III. Rejection of Claims 5-7, 19, 20, 27 and 28 Under 35 U.S.C. §103(a)**

Claims 5-7, 19, 20, 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis in view of Kawamata *et al.* in view of Noble *et al.*, as applied to claims 1, 18 and 26 above, respectively, and further in view of Kruger *et al.* (US 6,367,075). Withdrawal of this rejection is requested for at least the following reasons. Claims 5-7 depend from independent claim 1, claims 19 and 20 depend from independent claim 13, and claims 27 and 28 depend from independent claim 26. As stated above, the combination of Curtis, Kawamata *et al.* and Noble *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Kruger *et al.* does not cure the aforementioned deficiencies of the base combination. Therefore, this rejection should be withdrawn.

### **IV. Rejection of Claims 23, 24 and 31 Under 35 U.S.C. §103(a)**

Claims 23, 24 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis in view of Kawamata *et al.* in view of Taylor in view of Noble *et al.* This rejection should be withdrawn for at least the following reasons. Curtis, Kawamata *et al.*, Taylor and Noble *et al.*, taken alone or in combination, fail to disclose or suggest each and every element as recited in the subject claims.

Applicant's invention as claimed relates to a system and method that facilitates installation and/or removal of components that includes *at least one shared component*. To that end, claim 23 (and similarly independent claims 24 and 31) recites a *setup engine* that performs an installation comprising *incrementing a reference count value indicative of a number of dependent components associated with the at least one shared component*. The combination of the Curtis, Kawamata *et al.*, and Noble *et al.* references have been applied to the subject claims in a similar manner as the aforementioned rejections, and it is respectfully submitted that claims 23, 24, and 31 patentably distinguish for at least the same reasons. The further combination with Taylor fails to cure the aforementioned deficiencies of the base combination. In any event, it is readily apparent that the proposed combination fails to disclose or suggest *incrementing a reference count* as

presently claimed. In view of the foregoing, it is readily apparent that the combination Curtis, Kawamata *et al.*, Taylor and Noble *et al.* fails to disclose or suggest the invention as recited in independent claims 1, 13, 25 and 26 (and claims which respectfully depend therefrom). Accordingly, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP195US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/\_\_\_\_\_

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731